

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **EDCV 24-2529 JGB (SPx)**

Date December 12, 2024

Title ***Adilene Martinez-Graciano v. JRA Trademark Company, Ltd. et al.***

Present: The Honorable JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE

MAYNOR GALVEZ

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None

Attorney(s) Present for Defendant(s):

None

**Proceedings: Order to Show Cause re: Jurisdiction (IN CHAMBERS)**

On September 17, 2024, plaintiff Adilene Martinez-Graciano (“Graciano” or “Plaintiff”) filed a class action complaint as an individual and on behalf of all others similarly situated against defendant JRA Trademark Company Ltd’ (“JRA” or “Defendant”) in the Superior Court of California, County Riverside. (“NOR,” Dkt. No. 1, at 2.) Defendant was served on November 4, 2024. (*Id.*) On November 26, 2024, Durham removed the case to this Court pursuant to 28 U.S.C. § 1441(b). (*Id.*)

As grounds for removal, Defendant allege that the Court has original jurisdiction on the basis of diversity, arguing that the named Plaintiff and Defendant are diverse and the Amount in Controversy exceeds \$75,000. However, if Defendant wishes for the Court to exercise jurisdiction on the basis of the aggregated damages from Graciano and the alleged class members, Defendant must show it meets the diversity jurisdiction requirements of the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1332(d)(2), that is, an Amount in Controversy \$5 million dollars.

Defendant’s Notice of Removal does not include a copy of the complaint. Defendant does not attach any evidence or declarations in its Removal—without evidence, Defendant’s AIC estimate is only speculative, and for the reasons explained above, far below the threshold for this Court to exercise jurisdiction.

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Accordingly, Defendants are ordered to show cause in writing no longer than ten pages no later than **December 20 2024**, why this action should not be remanded for lack of subject matter jurisdiction. Plaintiff may file a response no longer than ten pages later than **December 30, 2024**.

**IT IS SO ORDERED.**